

## **REMARKS**

Claims 31 and 34 are pending in the application, and claims 31 and 34 stand rejected. No new matter has been added to the application. Based upon the arguments that follow, favorable reconsideration and allowance of the claims of the present application is respectfully requested.

### **Rejection Under 35 U.S.C. § 103(a)**

In the present Final Office Action, the Examiner rejected Claims 31 and 34 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,430,538 ("Bacon") in view of U.S. Patent No. 4,980,824 ("Tulpules") in view of U.S. Patent No. 6,279,001 ("DeBettencourt") further in view of U.S. Publication No. 2001/0039549 ("Eng"). Applicants respectfully traverse the rejection.

Applicants note the present application is a divisional of U.S. application Serial No. 09/374,540 filed on August 16, 1999 (now issued U.S. Patent No. 6,732,139). Thus, the present application also has an effective priority date of August 16, 1999. Each of the references cited to by the Examiner must have an effective priority date earlier than August 16, 1999 to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Eng has an effective priority date of December 30, 1999. Therefore, Eng cannot be used in combination with any of the other references to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Further, the Examiner cites Eng for teaching "objects instantiated by an initiator with a generic class name passed to the initiator by said router but having a different implementation specific to a node (Para 26) for the purpose of specializing each object. *See* Final Office Action

page 6. However, the Examiner does not cite to Bacon, Tulpules, or DeBettencourt as teaching this particular limitation as allegedly recited by Eng. Therefore, the combination of Bacon, Tulpules, and DeBettencourt cannot be used to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

In view of the foregoing, Applicants respectfully submit independent claim 34 is allowable and request the Examiner withdraw the rejection based on 35 U.S.C. §103(a). Claim 31 depends directly upon claim 34. Thus it is also respectfully requested that the Examiner withdraw the rejection of claim 31.

#### CONCLUSION

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Steven Fischman  
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
SF:ML:tam